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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 DAVID BOOKER,

7 Plaintiff,

8 v.

9 JASON SPENCER, *et al.*,

10 Defendants.

Case No. 2:23-cv-00906-RFB-MDC

11  
12 **ORDER**

13 Before the Court for consideration is the Report and Recommendation (“R&R”) of the  
14 Honorable Maximiliano D. Couvillier, United States Magistrate Judge, dated May 28, 2024 (ECF  
15 No. 6). For the reasons explained below, the Court adopts the R&R in full.

16 A district court “may accept, reject, or modify, in whole or in part, the findings or  
17 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). A party may file specific  
18 written objections to the findings and recommendations of a magistrate judge. 28 U.S.C. §  
19 636(b)(1); Local Rule IB 3-2(a). When written objections have been filed, the district court is  
20 required to “make a de novo determination of those portions of the report or specified proposed  
21 findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); see also Local  
22 Rule IB 3-2(b). Where a party fails to object, however, a district court is not required to conduct  
23 “any review,” *de novo*<sup>1</sup> or otherwise, of the report and recommendations of a magistrate judge.  
24 Thomas v. Arn, 474 U.S. 140, 149 (1985). No objections have been filed. The Court has reviewed  
25 the record in this case and concurs with the Magistrate Judge’s recommendations.

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28 <sup>1</sup> *De novo* review simply means a review by one court using the lower court’s record but  
reviewing the evidence and the law without deference to the lower court’s findings and rulings.  
See Appeal, Black’s Law Dictionary (11th ed. 2019).

1 Therefore, for the foregoing reasons, **IT IS ORDERED** that the Report and  
2 Recommendation of the Magistrate Judge (ECF No. 6) is **ADOPTED** in full and this case is  
3 **DISMISSED**. The Clerk of Court will close the case. Plaintiff may move to reopen this case and  
4 vacate the judgment by filing a motion for reconsideration of this order. In this motion, the  
5 Plaintiff is required to explain what circumstances delayed his objection to the magistrate judge's  
6 report and recommendation. If the Court finds there to be good cause or a reasonable explanation  
7 therein, the Court will reopen the case and vacate the judgment.

8 **IT IS FURTHER ORDERED** that the Clerk of Court will provide Plaintiff David Booker  
9 with a physical copy of the Court's Order by U.S postage.

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11 **DATED:** December 12, 2024.



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**RICHARD F. BOULWARE, II**  
**UNITED STATES DISTRICT JUDGE**